



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Amendment 1699

PAG LIN

1 1 Amend the amendment, S=3292, to Senate File 313, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, after line 5 by inserting:
1 4 <____. Page 3, after line 5 by inserting:
1 5 <Sec. _____. Section 249J.6, subsection 2, paragraph
1 6 b, Code 2011, is amended to read as follows:
1 7 b. Refusal of an expansion population member to
1 8 participate in a comprehensive medical examination
1 9 or any health risk assessment implemented by the
1 10 department shall not be a basis for ineligibility
1 11 for or disenrollment from the expansion population.
1 12 Refusal of an expansion population member to
1 13 participate in a comprehensive medical examination or
1 14 other preventative health service shall not negatively
1 15 affect the calculation of performance payments for an
1 16 expansion population network provider medical home.
1 17 Sec. _____. Section 249J.6, subsection 3, Code 2011,
1 18 is amended to read as follows:
1 19 3. Expansion population members, including members
1 20 assigned to an expansion population network provider
1 21 medical home, shall be provided access to an IowaCare
1 22 nurse helpline, accessible twenty-four hours per day,
1 23 seven days per week, to assist expansion population
1 24 members in making appropriate choices about the use of
1 25 emergency room and other health care services.
1 26 Sec. _____. Section 249J.7, subsection 1, paragraph
1 27 c, Code 2011, is amended to read as follows:
1 28 c. (1) Tertiary care shall only be provided to
1 29 eligible expansion population members residing in any
1 30 county in the state at the university of Iowa hospitals
1 31 and clinics.
1 32 (2) Secondary care shall be provided by the
1 33 publicly owned acute care teaching hospital located
1 34 in a county with a population over three hundred
1 35 fifty thousand and the university of Iowa hospitals
1 36 and clinics, based on county of residence, only to
1 37 the extent specified in the phase=in of the regional
1 38 provider network designated by the department. >>
1 39 #2. Page 2, after line 32 by inserting:
1 40 <Sec. _____. REGIONAL PROVIDER NETWORK == ALTERNATIVE
1 41 PROVIDER == PILOT. The department of human services
1 42 shall consult with providers of primary care services
1 43 in regional provider network areas established
1 44 pursuant to section 249J.7 to determine if the option
1 45 of establishing an alternative provider location is
1 46 feasible. The department may implement a pilot program
1 47 establishing an alternative provider location in an
1 48 established regional provider network area experiencing
1 49 capacity issues during the fiscal year beginning
1 50 July 1, 2011, if the department determines that this



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Amendment 1699 continued

2 1 option would most appropriately address such capacity
2 2 issues and provide better access to care for expansion
2 3 population members in the area. Any such pilot program
2 4 shall be implemented within funds available under
2 5 the existing appropriation for the regional provider
2 6 network and any alternative provider location shall be
2 7 subject to the requirements applicable to an expansion
2 8 population provider pursuant to chapter 249J. >>
2 9 #3. By striking page 2, line 33, through page 3,
2 10 line 41.

S3292.2944.S (1) 84

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Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Study Bill 241

HOUSE FILE

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON RAECKER)

A BILL FOR

1 An Act relating to flood mitigation by establishing a flood
2 mitigation program, establishing a flood mitigation board,
3 authorizing the use of certain sales tax revenue and
4 other financial assistance for flood mitigation projects,
5 establishing a flood mitigation fund, authorizing the
6 issuance of bonds for certain flood mitigation projects, and
7 including effective date provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 TLSB 2776HC (1) 84
 md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Study Bill 241 continued

PAG LIN

1 1 Section 1. Section 29C.8, subsection 3, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. h. Carry out duties related to the flood
1 4 mitigation program and the flood mitigation board under chapter
1 5 418.
1 6 Sec. 2. Section 331.430, subsection 2, Code 2011, is amended
1 7 by adding the following new paragraph:
1 8 NEW PARAGRAPH. d. Payments required to be made from the
1 9 debt service fund to a flood project fund under section 418.14,
1 10 subsection 5.
1 11 Sec. 3. Section 384.4, subsection 1, Code 2011, is amended
1 12 by adding the following new paragraph:
1 13 NEW PARAGRAPH. e. Payments required to be made from the
1 14 debt service fund to a flood project fund under section 418.14,
1 15 subsection 5.
1 16 Sec. 4. NEW SECTION. 418.1 Definitions.
1 17 For purposes of this chapter, unless the context otherwise
1 18 requires:
1 19 1. "Base year" means the fiscal year ending during the
1 20 calendar year in which the governmental entity's project is
1 21 approved by the board under section 418.9.
1 22 2. "Board" means the flood mitigation board as created in
1 23 section 418.5.
1 24 3. "Division" means the homeland security and emergency
1 25 management division of the department of public defense.
1 26 4. "Governmental entity" means any of the following:
1 27 a. A county.
1 28 b. A city.
1 29 c. A joint board or other legal or administrative entity
1 30 established or designated in an agreement pursuant to chapter
1 31 28E between a county and one or more cities located within the
1 32 county.
1 33 5. "Project" means the construction and reconstruction
1 34 of levees, embankments, impounding reservoirs, or conduits
1 35 that are necessary for the protection of property from the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

2 1 effects of floodwaters and may include the deepening, widening,
2 2 alteration, change, diversion, or other improvement of
2 3 watercourses if necessary for the protection of such property
2 4 from the effects of floodwaters.

2 5 6. "Retail establishment" means a business operated by a
2 6 retailer as defined in section 423.1.

2 7 7. "Sales tax" means the sales and services tax imposed
2 8 pursuant to section 423.2.

2 9 Sec. 5. NEW SECTION. 418.4 Projects.

2 10 1. A governmental entity may use the moneys in its flood
2 11 project fund established pursuant to section 418.13 to fund
2 12 projects that meet the requirements of this section.

2 13 2. Prior to undertaking a project, the governmental entity
2 14 shall adopt a project plan. The project plan shall include
2 15 a detailed description of the project, clearly state the
2 16 cost of the project and the amount of debt to be incurred
2 17 for purposes of funding the project, and include a detailed
2 18 description of all funding sources for the project, including
2 19 information relating to either the proposed use of financial
2 20 assistance from the flood mitigation fund under section 418.10
2 21 or the proposed use of sales tax increment revenues received
2 22 under section 418.12. The project plan shall also include
2 23 information related to the approval criteria in section 418.9,
2 24 subsection 2.

2 25 3. A governmental entity shall not undertake a project under
2 26 this chapter unless all of the following conditions are met:

2 27 a. Bidding for the project has been completed.

2 28 b. The project has been approved to receive financial
2 29 assistance in an amount equal to at least twenty percent of
2 30 the total project cost or thirty million dollars, whichever
2 31 is less, under the federal Water Resources Development Act or
2 32 other federal program providing assistance specifically for
2 33 hazard mitigation.

2 34 c. The project plan has been approved by the board under
2 35 section 418.9.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

3 1 d. Following approval of the project plan by the board,
3 2 the governmental entity has adopted a resolution authorizing
3 3 the use of sales tax increment revenue from the governmental
3 4 entity's flood project fund, if sales tax increment revenue
3 5 was approved by the board as a funding source for the project.
3 6 Within ten days of adoption, the governmental entity shall
3 7 provide a copy of the resolution to the department of revenue.
3 8 4. A governmental entity shall not seek approval from the
3 9 board for a project if the governmental entity previously
3 10 had a project approved pursuant to section 418.9 or if the
3 11 governmental entity previously was part of a governmental
3 12 entity as defined in section 418.1, subsection 4, paragraph "c",
3 13 that had a project approved pursuant to section 418.9.
3 14 4A. If a project is eligible for state financial assistance
3 15 under section 29C.6, subsection 17, such project is ineligible
3 16 for approval by the board under this chapter.
3 17 5. Following approval of a project under section 418.9, the
3 18 governmental entity shall on or before December 15 of each year
3 19 submit a report to the board detailing all of the following:
3 20 a. The current status of the project.
3 21 b. Total expenditures and the types of expenditures that
3 22 have been made related to the project.
3 23 c. The amount of the total project cost remaining as of the
3 24 date the report is submitted.
3 25 d. The amounts, types, and sources of funding being used.
3 26 e. The amount of bonds issued or other indebtedness incurred
3 27 for the project, including information related to the rate of
3 28 interest, length of term, costs of issuance, and net proceeds.
3 29 The report shall also include the amounts and types of moneys
3 30 used for payment of such bonds or indebtedness.
3 31 6. A governmental entity may contract with a council of
3 32 governments to perform any duty or power authorized under this
3 33 chapter or for the completion of a project.
3 34 Sec. 6. NEW SECTION. 418.5 Flood mitigation board.
3 35 1. The flood mitigation board is established consisting of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Study Bill 241 continued

4 1 nine voting members and four ex officio, nonvoting members, and
4 2 is located for administrative purposes within the division.
4 3 The administrator of the division shall provide office space,
4 4 staff assistance, and necessary supplies and equipment for
4 5 the board. The administrator shall budget funds to pay the
4 6 necessary expenses of the board. In performing its functions,
4 7 the board is performing a public function on behalf of the
4 8 state and is a public instrumentality of the state.
4 9 2. The voting membership of the board shall include all of
4 10 the following:
4 11 a. Four members of the general public. Each general public
4 12 member of the board shall have demonstrable experience or
4 13 expertise in the field of natural disaster or flood mitigation.
4 14 b. The director of the department of natural resources or
4 15 the director's designee.
4 16 c. The secretary of agriculture or the secretary's designee.
4 17 d. The treasurer of state or the treasurer's designee.
4 18 e. The administrator of the division or the administrator's
4 19 designee.
4 20 f. The executive director of the Iowa finance authority or
4 21 the executive director's designee.
4 22 3. The general public members shall be appointed by
4 23 the governor, subject to confirmation by the senate. The
4 24 appointments shall comply with sections 69.16 and 69.16A.
4 25 4. The chairperson and vice chairperson of the board shall
4 26 be designated by the governor from the board members listed
4 27 in subsection 2. In case of the absence or disability of the
4 28 chairperson and vice chairperson, the members of the board
4 29 shall elect a temporary chairperson by a majority vote of those
4 30 members who are present and voting.
4 31 5. The members appointed under subsection 2, paragraph
4 32 "a", shall be appointed to three-year staggered terms and the
4 33 terms shall commence and end as provided by section 69.19. If
4 34 a vacancy occurs, a successor shall be appointed to serve the
4 35 unexpired term. A successor shall be appointed in the same



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

5 1 manner and subject to the same qualifications as the original
5 2 appointment.
5 3 6. The board's ex officio membership shall include four
5 4 members of the general assembly with one each appointed by
5 5 the majority leader of the senate, the minority leader of the
5 6 senate, the speaker of the house of representatives, and the
5 7 minority leader of the house of representatives. A legislative
5 8 member serves for a term as provided in section 69.16B in an ex
5 9 officio, nonvoting capacity and is eligible for per diem and
5 10 expenses as provided in section 2.10.
5 11 7. A majority of the board constitutes a quorum.
5 12 Sec. 7. NEW SECTION. 418.6 Expenses of board members.
5 13 The voting members of the board are entitled to receive
5 14 reimbursement for actual expenses incurred while engaged in the
5 15 performance of official duties. A member of the board is not
5 16 eligible to receive the additional expense allowance provided
5 17 in section 7E.6, subsection 2.
5 18 Sec. 8. NEW SECTION. 418.7 Division duties.
5 19 The division, subject to approval by the board, shall
5 20 adopt administrative rules pursuant to chapter 17A necessary
5 21 to administer the flood mitigation program. The division
5 22 shall provide the board with assistance in implementing
5 23 administrative functions and providing technical assistance and
5 24 application assistance to applicants under the program.
5 25 Sec. 9. NEW SECTION. 418.8 Flood mitigation program.
5 26 1. The board shall establish and the division, subject
5 27 to direction and approval by the board, shall administer a
5 28 flood mitigation program to assist governmental entities
5 29 in undertaking projects approved under this chapter. The
5 30 flood mitigation program shall include projects approved
5 31 by the board to utilize either financial assistance from
5 32 the flood mitigation fund created under section 418.10 or
5 33 sales tax revenues remitted to the governmental entity under
5 34 section 418.12. A governmental entity shall not be approved
5 35 by the board to utilize both financial assistance from the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

6 1 flood mitigation fund and sales tax revenues remitted to the
6 2 governmental entity.
6 3 2. The board shall, by rules adopted under section
6 4 418.7, prescribe application instructions, forms, and other
6 5 requirements deemed necessary to operate the flood mitigation
6 6 program.
6 7 3. The board may contract with or otherwise consult with the
6 8 Iowa flood center, established under section 466C.1, to assist
6 9 the board in administering the flood mitigation program.
6 10 4. The board shall submit a written report to the governor
6 11 and the general assembly on or before January 15 of each year.
6 12 The report shall include information relating to all projects
6 13 approved by the board for inclusion in the flood mitigation
6 14 program, the status of such projects, summaries of each report
6 15 submitted to the board under section 418.4, subsection 5,
6 16 information relating to the types of funding being used for
6 17 each approved project, including all indebtedness incurred by
6 18 the applicable governmental entities, and any recommendations
6 19 for legislative action to modify the provisions of this
6 20 chapter.
6 21 Sec. 10. NEW SECTION. 418.9 Project application review.
6 22 1. a. A governmental entity shall submit an application
6 23 to the board for approval of a project plan. The board shall
6 24 not approve a project for inclusion in the program if the
6 25 application is submitted after January 1, 2016.
6 26 b. The application shall specify whether the governmental
6 27 entity is requesting financial assistance from the flood
6 28 mitigation fund or approval for the use of sales tax revenues.
6 29 Applications for financial assistance from the flood mitigation
6 30 fund shall describe the type and amount of assistance
6 31 requested. Applications for the use of sales tax revenues
6 32 shall state the amount of sales tax revenues necessary for
6 33 completion of the project.
6 34 2. Each application shall include or have attached to
6 35 the application, the governmental entity's project plan



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Study Bill 241 continued

- 7 1 adopted under section 418.4, subsection 2. When reviewing
7 2 applications, in addition to the project plan, the board shall
7 3 consider, at a minimum, all of the following:
- 7 4 a. Whether the project is designed to mitigate future
7 5 flooding of property that has sustained significant flood
7 6 damage and is likely to sustain significant flood damage in the
7 7 future.
- 7 8 b. Whether the project plan addresses the impact of flooding
7 9 both upstream and downstream from the area where the project is
7 10 to be undertaken.
- 7 11 c. Whether the area that would benefit from the project's
7 12 flood mitigation efforts is valuable to the economic viability
7 13 of the state or is of historic value to the state.
- 7 14 d. The extent to which the project would utilize local
7 15 matching funds. The board shall not approve a project unless
7 16 at least fifty percent of the total cost of the project, less
7 17 any federal financial assistance for the project, is funded
7 18 using local matching funds, and unless the project will result
7 19 in nonpublic investment in the governmental entity's area as
7 20 defined in section 418.11, subsection 3, of an amount equal to
7 21 fifty percent of the total cost of the project. For purposes
7 22 of this paragraph, "nonpublic investment" means investment
7 23 by nonpublic entities consisting of capital investment or
7 24 infrastructure improvements occurring in anticipation of or as
7 25 a result of the project during the period of time between July
7 26 1, 2008, and ten years following completion of the project.
- 7 27 e. The extent of nonfinancial support committed to the
7 28 project from public and nonpublic sources.
- 7 29 f. The net number of new jobs proposed to be created as a
7 30 direct result of the project and its completion in the area for
7 31 which the project is designed to mitigate future flooding.
- 7 32 g. Whether the project plan is consistent with the
7 33 applicable comprehensive, countywide emergency operations plan
7 34 in effect.
- 7 35 h. Whether financial assistance through the flood mitigation



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

8 1 program is essential to meet the necessary expenses or serious
8 2 needs of the governmental entity related to flood mitigation.
8 3 3. Upon review of the applications, the board, following
8 4 consultation with the department of economic development, shall
8 5 approve, defer, or deny the applications. If a project plan
8 6 is denied, the board shall state the reasons for the denial
8 7 and the governmental entity may resubmit the application so
8 8 long as the application is filed on or before January 1, 2016.
8 9 If a project plan application is approved, the board shall
8 10 specify whether the governmental entity is approved for the
8 11 use of sales tax revenues under section 418.12 or whether the
8 12 governmental entity is approved to receive financial assistance
8 13 from the flood mitigation fund under section 418.10. If
8 14 the board approves a project plan application that includes
8 15 financial assistance from the flood mitigation fund, the board
8 16 shall negotiate and execute on behalf of the division all
8 17 necessary agreements to provide such financial assistance.
8 18 4. The board shall not approve a project plan application
8 19 that includes financial assistance from the flood mitigation
8 20 fund or the use of sales tax revenue to pay principal and
8 21 interest on or to refinance any debt or other obligation
8 22 existing prior to the approval of the project.
8 23 5. Upon approval of an application for financial assistance
8 24 under the program, the board shall notify the treasurer of
8 25 state regarding the amount of moneys needed to satisfy the
8 26 award of financial assistance and the terms of the award. The
8 27 treasurer of state shall notify the division any time moneys
8 28 are disbursed to a recipient of financial assistance under the
8 29 program.
8 30 6. If, following approval of a project application under the
8 31 program, it is determined that the amount of federal financial
8 32 assistance under section 418.4, subsection 3, paragraph "b",
8 33 exceeds the amount of federal financial assistance specified in
8 34 the application, the board shall reduce the award of financial
8 35 assistance from the flood mitigation fund or reduce the amount



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

9 1 of sales tax revenue to be received for the project by a
9 2 corresponding amount.
9 3 Sec. 11. NEW SECTION. 418.10 Flood mitigation fund.
9 4 1. A flood mitigation fund is created as a separate and
9 5 distinct fund in the state treasury under the control of the
9 6 board and consists of moneys appropriated by the general
9 7 assembly and any other moneys available to and obtained or
9 8 accepted by the board for placement in the fund. Moneys in the
9 9 fund shall only be used for the purposes of this section.
9 10 2. Payments of interest, repayments of moneys loaned
9 11 pursuant to this chapter, and recaptures of grants, if provided
9 12 for in the financial assistance agreements, shall be deposited
9 13 in the fund.
9 14 3. The moneys in the fund shall be used to provide
9 15 assistance in the form of grants, loans, and forgivable loans.
9 16 The use of moneys in the fund for such assistance shall be on
9 17 a first-come, first-served basis. The board may only provide
9 18 financial assistance from moneys in the fund.
9 19 4. Moneys in the fund are not subject to section 8.33.
9 20 Notwithstanding section 12C.7, subsection 2, interest or
9 21 earnings on moneys in the fund shall be credited to the fund.
9 22 5. If any portion of the moneys appropriated for deposit
9 23 in the fund have not been awarded during the fiscal year for
9 24 which the appropriation is made, the portion which has not
9 25 been awarded may be utilized by the board to provide financial
9 26 assistance under the program in subsequent fiscal years.
9 27 6. The board may make a multiyear commitment to a
9 28 governmental entity of up to four million dollars in any one
9 29 fiscal year.
9 30 7. Moneys received by a governmental entity from the fund
9 31 shall be deposited in the governmental entity's flood project
9 32 fund under section 418.13.
9 33 8. The board is not required to award financial assistance
9 34 pursuant to this section unless moneys are appropriated to and
9 35 available from the fund.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

10 1 9. Following completion of all projects approved to utilize
10 2 financial assistance from the fund and upon a determination
10 3 by the board that remaining moneys in the fund are no longer
10 4 needed for the program, all moneys remaining in the fund or
10 5 subsequently deposited in the fund shall be credited for
10 6 deposit in the general fund of the state.

10 7 Sec. 12. NEW SECTION. 418.11 Sales tax increment
10 8 calculation.

10 9 1. The department of revenue shall calculate quarterly the
10 10 amount of increased sales tax revenues to be deposited in the
10 11 sales tax increment fund pursuant to section 423.2, subsection
10 12 11, paragraph "a", subparagraph (2).

10 13 2. The department of revenue shall calculate the amount of
10 14 the increase for purposes of subsection 1 as follows:

10 15 a. Determine the amount of sales tax revenue collected by
10 16 the department in each applicable area specified in subsection
10 17 3, during the corresponding quarter in the base year from
10 18 retail establishments located in such areas.

10 19 b. Determine the amount of sales tax revenue collected by
10 20 the department in each applicable area specified in subsection
10 21 3, during the corresponding quarter in each subsequent calendar
10 22 year from retail establishments located in such areas.

10 23 c. Subtract the base year quarterly amount determined in
10 24 paragraph "a" from the subsequent calendar year quarterly
10 25 amount determined in paragraph "b".

10 26 d. The result of the calculation in paragraph "c", to
10 27 the extent that the amount of revenue in the quarter of the
10 28 subsequent year exceeds the total amount of revenue in the
10 29 corresponding quarter of the base year, shall constitute the
10 30 amount of increased revenues for purposes of subsection 1.

10 31 3. a. For projects approved for a governmental entity as
10 32 defined in section 418.1, subsection 4, paragraph "a", the area
10 33 used to determine the sales tax increment shall include only
10 34 the unincorporated areas of the county.

10 35 b. For projects approved for a governmental entity as



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

11 1 defined in section 418.1, subsection 4, paragraph "b", the area
11 2 used to determine the sales tax increment shall include only
11 3 the incorporated areas of the city.

11 4 c. For projects approved for a governmental entity as
11 5 defined in section 418.1, subsection 4, paragraph "c", the
11 6 area used to determine the sales tax increment shall include
11 7 the incorporated areas of each city that is participating in
11 8 the chapter 28E agreement and the unincorporated areas of the
11 9 county.

11 10 4. Each governmental entity shall assist the department
11 11 of revenue in identifying retail establishments in the
11 12 governmental entity's applicable area that are collecting sales
11 13 tax. This process shall be ongoing until the governmental
11 14 entity ceases to utilize sales tax revenue under this chapter.

11 15 Sec. 13. NEW SECTION. 418.12 Sales tax increment fund.

11 16 1. A sales tax increment fund is established as a separate
11 17 and distinct fund in the state treasury under the control of
11 18 the department of revenue consisting of the amount of the
11 19 increased state sales and services tax revenues collected by
11 20 the department of revenue within each applicable area specified
11 21 in section 418.11, subsection 3, and deposited in the fund
11 22 pursuant to section 423.2, subsection 11, paragraph "a",
11 23 subparagraph (2). Moneys in the fund shall only be used for
11 24 the purposes of this section.

11 25 2. An account is created within the fund for each
11 26 governmental entity that has adopted a resolution under section
11 27 418.4, subsection 3, paragraph "d".

11 28 3. The department of revenue shall credit to the fund the
11 29 moneys described in subsection 1 beginning the first day of the
11 30 quarter following receipt of a resolution under section 418.4,
11 31 subsection 3, paragraph "d". However, in no case shall a sales
11 32 tax increment be calculated under section 418.11 or such moneys
11 33 be credited to the fund under this section prior to January 1,
11 34 2013.

11 35 4. a. A governmental entity may request remittance of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

12 1 the moneys in the governmental entity's account within the
12 2 fund. Such requests shall be made not more than quarterly.
12 3 Requests for remittance shall be submitted on forms prescribed
12 4 by the department of revenue. Requests for remittance shall
12 5 be made for the amount of moneys in the governmental entity's
12 6 account necessary to pay the governmental entity's costs or
12 7 obligations related to the project, according to the sales
12 8 tax revenue funding needs specified in the approved project
12 9 plan. A governmental entity shall not, however, during any
12 10 fiscal year receive remittances under this section exceeding
12 11 fifteen million dollars or the total yearly amount of increased
12 12 revenue in the governmental entity's applicable area, whichever
12 13 is less. The total amount of remittances during any fiscal
12 14 year for all governmental entities approved to use sales tax
12 15 revenues under this chapter shall not exceed, in the aggregate,
12 16 thirty million dollars. Remittances from the department of
12 17 revenue shall be deposited in the governmental entity's flood
12 18 project fund under section 418.13.

12 19 b. The department of revenue shall adopt rules for the
12 20 remittance of moneys to governmental entities.

12 21 5. If the department of revenue determines that the revenue
12 22 accruing to the fund or accounts within the fund exceeds
12 23 thirty million dollars or exceeds the amount necessary for
12 24 the purposes of this chapter if the amount necessary is less
12 25 than thirty million dollars, then those excess moneys shall
12 26 be credited by the department of revenue for deposit in the
12 27 general fund of the state.

12 28 Sec. 14. NEW SECTION. 418.13 Flood project fund.

12 29 1. Sales tax revenue remitted by the department of revenue
12 30 to a governmental entity under section 418.12 or financial
12 31 assistance received by a governmental entity pursuant to
12 32 section 418.10 shall be deposited in the governmental entity's
12 33 flood project fund created for purposes of this chapter and
12 34 shall be used to fund the governmental entity's approved
12 35 project and to pay principal and interest on bonds issued



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

13 1 pursuant to section 418.14, if applicable.

13 2 2. In addition to the moneys received pursuant to section
13 3 418.10 or 418.12, a governmental entity may deposit in the
13 4 flood project fund any other moneys lawfully received by the
13 5 governmental entity.

13 6 Sec. 15. NEW SECTION. 418.14 Bond issuance.

13 7 1. a. A governmental entity receiving sales tax revenues
13 8 pursuant to this chapter is authorized to issue bonds that are
13 9 payable from revenues deposited in the governmental entity's
13 10 flood project fund created pursuant to section 418.13 for the
13 11 purpose of funding a project in the area from which sales tax
13 12 revenues will be utilized.

13 13 b. A governmental entity shall have the authority to pledge
13 14 irrevocably to the payment of the bonds an amount of revenue
13 15 derived from the sales tax revenue received by the governmental
13 16 entity pursuant to section 418.12 for each of the years the
13 17 bonds remain outstanding.

13 18 2. a. If a governmental entity elects to authorize the
13 19 issuance of bonds payable as provided in this section, the
13 20 governmental entity shall follow the authorization procedures
13 21 for cities set forth in section 384.83.

13 22 b. A governmental entity shall have the authority to issue
13 23 bonds for the purpose of refunding outstanding bonds issued
13 24 under this section without otherwise complying with the notice
13 25 and hearing provisions of section 384.83.

13 26 3. If less than four calendar quarters have elapsed
13 27 following the submission of the resolution to the department of
13 28 revenue under section 418.4, subsection 3, paragraph "d", the
13 29 sales tax collected within the shorter period may be adjusted
13 30 to project the collections of the designated portion for the
13 31 full year for the purpose of determining the amount of the
13 32 bonds which may be issued.

13 33 4. a. Except as otherwise provided in this section,
13 34 bonds issued pursuant to this section shall not be subject to
13 35 the provisions of any other law or charter relating to the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

14 1 authorization, issuance, or sale of bonds.
14 2 b. The bonds may be issued in one or more series and shall
14 3 comply with all of the following:
14 4 (1) The bonds shall bear the date of issuance.
14 5 (2) The bonds shall specify whether they are payable on
14 6 demand or the time of maturity.
14 7 (3) The bonds shall bear interest at a rate not exceeding
14 8 that permitted by chapter 74A.
14 9 (4) The bonds shall be in a denomination or denominations,
14 10 be in the form, have the rank or priority, be executed in
14 11 the manner, be payable in the medium of payment, at the
14 12 place or places, be subject to the terms of redemption, with
14 13 or without premium, be secured in the manner, and have the
14 14 other characteristics, as may be provided by the resolution
14 15 authorizing their issuance.
14 16 c. The bonds may be sold at public or private sale at a
14 17 price as may be determined by the governmental entity.
14 18 5. a. Bonds, notes, or other obligations issued by a
14 19 governmental entity for purposes of financing a project under
14 20 this chapter are not an obligation of this state. Except as
14 21 provided in paragraph "b", bonds, notes, or other obligations
14 22 issued by a governmental entity for purposes of financing
14 23 a project under this chapter are not an obligation of any
14 24 political subdivision of this state other than the governmental
14 25 entity. A governmental entity shall not pledge the credit or
14 26 taxing power of this state. Except as provided in paragraph
14 27 "b", a governmental entity shall not pledge the credit or taxing
14 28 power of any political subdivision of this state other than the
14 29 governmental entity or make its debts payable out of any of the
14 30 moneys except those in the governmental entity's flood project
14 31 fund.
14 32 b. If the moneys in the governmental entity's flood project
14 33 fund are insufficient to pay the governmental entity's costs
14 34 related to bonds, notes, or other obligations issued under
14 35 this chapter, the amounts necessary to pay such costs shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Study Bill 241 continued

15 1 be transferred for deposit in the governmental entity's flood
15 2 project fund from the debt service fund of the county or the
15 3 debt service fund of the city or county for a governmental
15 4 entity as defined in section 418.1, subsection 4, paragraph
15 5 "c", as provided in the chapter 28E agreement. The chapter
15 6 28E agreement for a governmental entity as defined in
15 7 section 418.1, subsection 4, paragraph "c", shall specify the
15 8 participating city or county responsible for any payment from a
15 9 debt service fund required under this paragraph.

15 10 Sec. 16. NEW SECTION. 418.15 Durational limitation on use
15 11 of revenues ==== property disposition.

15 12 1. A governmental entity shall not utilize sales tax revenue
15 13 under this chapter after twenty=five years from the date the
15 14 governmental entity's project was approved by the board.

15 15 2. If the governmental entity ceases to need the sales
15 16 tax revenues prior to the expiration of the limitation under
15 17 subsection 1, the governmental entity shall notify the director
15 18 of revenue.

15 19 3. Upon the receipt of a notification pursuant to subsection
15 20 2, or the expiration of the limitation under subsection 1, the
15 21 department of revenue shall cease to credit revenues to the
15 22 governmental entity's account in the sales tax increment fund.

15 23 4. All property and improvements acquired by a governmental
15 24 entity as defined in section 418.1, subsection 4, paragraph
15 25 "c", relating to a project shall be transferred to the county
15 26 or city designated in the chapter 28E agreement to receive
15 27 such property and improvements. The city or county to which
15 28 such property or improvements are transferred shall, unless
15 29 otherwise provided in the chapter 28E agreement, be solely
15 30 responsible for the ongoing maintenance and support of such
15 31 property and improvements.

15 32 Sec. 17. Section 423.2, subsection 11, Code 2011, is amended
15 33 to read as follows:

15 34 11. a. (1) All revenues arising under the operation of the
15 35 provisions of this section shall be deposited into the general



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Study Bill 241 continued

16 1 fund of the state.

16 2 (2) Subsequent to the deposit into the general fund of
16 3 the state, the director shall credit an amount equal to
16 4 six cents of every dollar of the amount of the increase
16 5 in sales subject to the tax imposed under this section and
16 6 made in the applicable area of a governmental entity that is
16 7 approved to use sales tax revenues under chapter 418 into an
16 8 account created for that governmental entity in the sales
16 9 tax increment fund created in section 418.12. The director
16 10 shall credit the moneys beginning the first day of the quarter
16 11 following adoption of the resolution pursuant to section 418.4,
16 12 subsection 3, paragraph "d".

16 13 b. Subsequent to the deposit into the general fund of the
16 14 state ~~and after the transfer of such~~ pursuant to paragraph "a",
16 15 the department shall do the following in the order prescribed:

16 16 (1) Transfer the revenues collected under chapter 423B, the
16 17 ~~department shall transfer.~~

16 18 (2) Transfer one-sixth of such the remaining revenues to the
16 19 secure an advanced vision for education fund created in section
16 20 423F.2. This ~~paragraph~~ subparagraph (2) is repealed December
16 21 31, 2029.

16 22 (3) Credit that portion of the sales tax receipts described
16 23 in paragraph "a", subparagraph (2).

16 24 Sec. 18. EFFECTIVE UPON ENACTMENT. This Act, being deemed
16 25 of immediate importance, takes effect upon enactment.

16 26 EXPLANATION

16 27 This bill relates to flood mitigation by establishing a
16 28 flood mitigation program, establishing a flood mitigation
16 29 board, authorizing the use of certain sales tax revenue and
16 30 other financial assistance for certain flood-related projects,
16 31 establishing a flood mitigation fund, and authorizing the
16 32 issuance of bonds for certain flood mitigation projects.

16 33 The bill authorizes certain governmental entities to
16 34 undertake flood-related projects. The bill defines "project"
16 35 to mean the construction and reconstruction of levees,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

17 1 embankments, impounding reservoirs, or conduits that are
17 2 necessary for the protection of property from the effects
17 3 of floodwaters and may include the deepening, widening,
17 4 alteration, change, diversion, or other improvement of
17 5 watercourses if necessary for the protection of such property
17 6 from the effects of floodwaters. The bill requires a project
17 7 to be preceded by adoption of a project plan that includes a
17 8 detailed description of the project, clearly states the cost of
17 9 the project and the amount of debt to be incurred for purposes
17 10 of funding the project, and includes a description of all
17 11 funding sources for the project. The project plan must also
17 12 include information related to the approval criteria used by
17 13 the flood mitigation board.

17 14 The bill prohibits a governmental entity from undertaking
17 15 a project unless bidding for the project is complete, the
17 16 project has been approved to receive certain federal financial
17 17 assistance, the project plan has been approved by the flood
17 18 mitigation board, and the governmental entity has adopted and
17 19 filed with the department of revenue a resolution authorizing
17 20 the use of sales tax increment revenue, if sales tax increment
17 21 revenue was designated as a funding source for the project.
17 22 The bill authorizes a governmental entity to contract with a
17 23 council of governments to perform any duty or power authorized
17 24 in the bill or for the completion of the project.

17 25 The bill provides that a governmental entity may not seek
17 26 approval from the board for a project if the governmental
17 27 entity previously had a project approved under the flood
17 28 mitigation program or was part of a governmental entity that
17 29 previously had a project approved by the board under the flood
17 30 mitigation program.

17 31 The bill provides that a project eligible for state
17 32 financial assistance under Code section 29C.6(17) is ineligible
17 33 for approval by the board under the flood mitigation program.

17 34 The bill requires a governmental entity that has a project
17 35 approved by the flood mitigation board to prepare and submit an



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

18 1 annual report on or before December 15 to the board detailing
18 2 the status and progress of the project.
18 3 The bill establishes a flood mitigation board within the
18 4 homeland security and emergency management division of the
18 5 department of public defense consisting of nine voting members
18 6 and four ex officio, nonvoting legislative members. The voting
18 7 membership of the board includes four members of the general
18 8 public having demonstrable experience or expertise in the field
18 9 of natural disaster or flood mitigation, the director of the
18 10 department of natural resources or the director's designee,
18 11 the secretary of agriculture or the secretary's designee,
18 12 the treasurer of state or the treasurer's designee, the
18 13 administrator of the homeland security and emergency management
18 14 division or the administrator's designee, and the executive
18 15 director of the Iowa finance authority or the executive
18 16 director's designee. Appointment of the general public members
18 17 shall be made by the governor, shall be subject to confirmation
18 18 by the senate, and shall be for three-year staggered terms.
18 19 The members of the board are entitled to receive reimbursement
18 20 for actual expenses incurred while engaged in the performance
18 21 of official duties.
18 22 The bill requires the board to establish and administer a
18 23 flood mitigation program to assist governmental entities in
18 24 undertaking approved projects. The flood mitigation program
18 25 includes projects approved by the board to utilize either
18 26 financial assistance from the flood mitigation fund created
18 27 in the bill or sales tax increment revenues remitted to the
18 28 governmental entity. The bill prohibits a project from being
18 29 approved by the board to utilize both financial assistance from
18 30 the flood mitigation fund and sales tax increment revenues for
18 31 the same project. The bill authorizes the board to consult
18 32 with the Iowa flood center to assist the board in administering
18 33 the flood mitigation program.
18 34 Governmental subdivisions must submit project applications
18 35 to the flood mitigation board for approval. The board is



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

19 1 prohibited from approving applications submitted after
19 2 January 1, 2016. The application shall specify whether the
19 3 governmental entity is requesting financial assistance from
19 4 the flood mitigation fund or approval for the use of sales tax
19 5 increment revenues. Applications for financial assistance
19 6 from the flood mitigation fund are required to describe the
19 7 type and amount of assistance requested. Applications for the
19 8 use of sales tax increment revenues shall state the amount of
19 9 such revenues necessary for completion of the project. Each
19 10 application shall include, or have attached to the application,
19 11 the governmental entity's project plan.
19 12 The bill requires the board, when reviewing applications,
19 13 in addition to the governmental entity's project plan, to
19 14 consider, at a minimum, whether the project is designed
19 15 to mitigate future flooding of property that has sustained
19 16 significant flood damage and is likely to sustain significant
19 17 flood damage in the future, whether the project addresses
19 18 the impact of flooding both upstream and downstream from
19 19 the area where the project is to be undertaken, whether the
19 20 area that would benefit from the project's flood mitigation
19 21 efforts is valuable to the economic viability of the state or
19 22 is of historic value to the state, the extent to which the
19 23 project would utilize local matching funds including whether
19 24 the project meets specific local matching funds requirements,
19 25 whether the project will result in specified amounts of
19 26 nonpublic investment, as defined in the bill, the extent of
19 27 nonfinancial support from public and nonpublic sources, the
19 28 net number of new jobs proposed to be created as a direct
19 29 result of the project and its completion in the area for which
19 30 the project is designed to mitigate future flooding, whether
19 31 the project is consistent with the applicable comprehensive,
19 32 countywide emergency operations plan, and whether financial
19 33 assistance through the flood mitigation program is essential
19 34 to meet the necessary expenses or serious needs of the
19 35 governmental entity related to flood mitigation.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

20 1 Upon review of the applications, the flood mitigation
20 2 board, following consultation with the department of economic
20 3 development, shall approve, defer, or deny the applications.
20 4 If a project plan is denied, the board shall state the reasons
20 5 for the denial and the governmental entity may resubmit the
20 6 application so long as the application is filed on or before
20 7 January 1, 2016.
20 8 If a project plan application is approved, the board shall
20 9 specify whether the governmental entity is approved for the use
20 10 of sales tax increment revenues or whether the governmental
20 11 entity is approved to receive financial assistance from the
20 12 flood mitigation fund. If the board approves a project plan
20 13 application that includes financial assistance from the flood
20 14 mitigation fund, the board shall negotiate and execute on
20 15 behalf of the division all necessary agreements to provide such
20 16 financial assistance. The bill provides for the reduction of
20 17 an award of financial assistance from the flood mitigation fund
20 18 or a reduction in the amount of sales tax increment revenues
20 19 to be received for the project if federal financial assistance
20 20 exceeds the amount stated in the project plan application.
20 21 The bill requires the flood mitigation board to prepare
20 22 and submit an annual report to the governor and the general
20 23 assembly on or before January 15 containing certain information
20 24 relating to the projects approved by the board, certain
20 25 information relating to the governmental entities undertaking
20 26 each project, and any recommendations for legislative action to
20 27 modify the provisions of new Code chapter 418.
20 28 The bill establishes a flood mitigation fund as a separate
20 29 and distinct fund in the state treasury under the control of
20 30 the board. Moneys in the flood mitigation fund are used to
20 31 provide assistance in the form of grants, loans, and forgivable
20 32 loans. Assistance provided from the fund shall be on a
20 33 first-come, first-served basis. The board may make a multiyear
20 34 commitment to a governmental entity of up to \$4 million in
20 35 any one fiscal year. Following completion of all projects



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

21 1 approved to utilize financial assistance from the fund and upon
21 2 a determination by the board that remaining moneys in the fund
21 3 are no longer needed for the program, all moneys remaining
21 4 in the fund or subsequently deposited in the fund shall be
21 5 credited for deposit in the general fund of the state.
21 6 The bill authorizes, upon approval of the flood mitigation
21 7 board, governmental entities to use increased sales tax
21 8 revenue collected within a specified area to fund projects.
21 9 For a governmental entity that is a county, the area used
21 10 to determine the sales tax increment shall include only the
21 11 unincorporated areas of the county. For a governmental entity
21 12 that is a city, the area used to determine the sales tax
21 13 increment shall include only the incorporated areas of the
21 14 city. For a governmental entity that is operated under a Code
21 15 chapter 28E agreement, the area used to determine the sales tax
21 16 increment shall include the incorporated areas of each city
21 17 that is participating in the Code chapter 28E agreement and the
21 18 unincorporated areas of the participating county.
21 19 To determine the amount of the increase in sales tax revenue,
21 20 the department of revenue calculates the amount of sales tax
21 21 revenues collected in a specified quarter in the base year and
21 22 the amount of tax revenues collected during the corresponding
21 23 quarter in subsequent years. The department of revenue
21 24 then subtracts the base year amount from the amounts in the
21 25 subsequent years to arrive at the amount of the increase.
21 26 The bill creates a sales tax increment fund within the
21 27 department of revenue and an account in the fund for each
21 28 governmental entity approved by the flood mitigation board to
21 29 use such revenues for a project. The department credits the
21 30 amount of the governmental entity's increased revenues to the
21 31 governmental entity's account. However, the bill specifies
21 32 that in no case shall a sales tax increment be credited to the
21 33 fund prior to January 1, 2013.
21 34 The bill allows each governmental entity to request
21 35 remittance of the moneys in the governmental entity's account



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

22 1 within the fund. Such requests shall be made not more than
22 2 quarterly. Requests for remittance shall be made for the
22 3 amount of moneys in the governmental entity's account necessary
22 4 to pay the governmental entity's costs or obligations related
22 5 to the project, according to the sales tax revenue funding
22 6 needs specified in the approved project plan. A governmental
22 7 entity shall not, however, receive remittances during any
22 8 fiscal year exceeding \$15 million or the total yearly amount
22 9 of increased revenue in the governmental entity's applicable
22 10 area, whichever is less. Remittances from the department
22 11 of revenue are deposited in the governmental entity's flood
22 12 project fund. In addition, the total amount of remittances
22 13 during any fiscal year for all governmental entities approved
22 14 to use sales tax increment revenues under this chapter shall
22 15 not exceed, in the aggregate, \$30 million. If the department
22 16 of revenue determines that the revenue accruing to the sales
22 17 tax increment fund or accounts within the fund exceed \$30
22 18 million or the amount necessary for the purposes of new Code
22 19 chapter 418 if less than \$30 million, then those excess moneys
22 20 shall be credited by the department of revenue for deposit in
22 21 the general fund of the state.

22 22 The bill provides that moneys deposited in a governmental
22 23 entity's flood project fund shall be used to fund projects and
22 24 to pay principal and interest on bonds issued under the bill,
22 25 if applicable. The bill also provides that in addition to
22 26 the sales tax revenues remitted by the department of revenue
22 27 and financial assistance from the flood mitigation fund, a
22 28 governmental entity may deposit in the flood project fund any
22 29 other moneys lawfully received by the governmental entity.

22 30 The bill authorizes the issuance of bonds by a governmental
22 31 entity that are payable from moneys deposited in the
22 32 governmental entity's flood project fund if the governmental
22 33 entity is receiving sales tax revenue under the bill. In
22 34 issuing the bonds, the governmental entity must comply with
22 35 the revenue bond authorization procedures applicable to cities



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

23 1 pursuant to Code section 384.83. The bill provides that bonds,
23 2 notes, or other obligations issued by a governmental entity are
23 3 not an obligation of the state. The bill also provides that,
23 4 except as specifically provided in the bill, bonds, notes, or
23 5 other obligations issued by a governmental entity are not an
23 6 obligation of any political subdivision of the state except the
23 7 governmental entity. The bill prohibits a governmental entity
23 8 from pledging the credit or taxing power of the state. Except
23 9 as specifically provided in the bill, a governmental entity
23 10 is prohibited from pledging the credit or taxing power of a
23 11 political subdivision of the state.

23 12 If the moneys in the governmental entity's flood project
23 13 fund are insufficient to pay the governmental entity's costs
23 14 related to bonds, notes, or other obligations issued under
23 15 the bill, the amounts necessary to pay such costs shall be
23 16 transferred for deposit in the governmental entity's flood
23 17 project fund from the debt service fund of the county or the
23 18 debt service fund of the city or county for a governmental
23 19 entity operating under a Code chapter 28E agreement, as
23 20 provided in the Code chapter 28E agreement.

23 21 The bill provides that a governmental entity shall not
23 22 utilize sales tax increment revenue under the bill after
23 23 25 years from the date the governmental entity's project
23 24 was approved by the board. The bill provides that if the
23 25 governmental entity ceases to need the sales tax increment
23 26 revenues prior to the expiration of such limitation, the
23 27 governmental entity shall notify the director of revenue.

23 28 Under the bill, all property and improvements acquired by a
23 29 governmental entity operated under a Code chapter 28E agreement
23 30 relating to a project shall be transferred to the county or
23 31 city designated in the Code chapter 28E agreement to receive
23 32 such property and improvements. The city or county to which
23 33 such property or improvements are transferred shall, unless
23 34 otherwise provided in the Code chapter 28E agreement, be solely
23 35 responsible for the ongoing maintenance and support of such



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 241 continued

- 24 1 property and improvements.
- 24 2 The bill takes effect upon enactment.
LSB 2776HC (1) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Study Bill 242

HOUSE FILE
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT
BILL BY CHAIRPERSON
HAGENOW)

A BILL FOR

1 An Act relating to advertisements for the sale of hearing aids.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2789YC (1) 84
jr/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Study Bill 242 continued

PAG LIN

1 1 Section 1. Section 154A.24, subsection 3, paragraph s, Code
1 2 2011, is amended by striking the paragraph.

1 3 EXPLANATION

1 4 This bill strikes one of the causes for which the hearing
1 5 aid dispensers licensing board may revoke or suspend a
1 6 dispenser's license. Failure to place in hearing aid
1 7 advertisements certain key words such as "hearing test" or
1 8 "hearing measurement", if the licensee's business name does not
1 9 include the words "hearing aid", would no longer be a cause for
1 10 revocation or suspension of a license.

LSB 2789YC (1) 84

jr/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Study Bill 243

HOUSE FILE
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT
BILL BY CHAIRPERSON
HAGENOW)

A BILL FOR

1 An Act relating to the testing requirements for sign language
2 interpreters and transliterators.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2778YC (2) 84
jr/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 243 continued

PAG LIN

1 1 Section 1. Section 154E.3, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 2A. Examinations. An applicant may chose
1 4 examination in American sign language, signed exact English,
1 5 or another communication system approved by the board. The
1 6 examination for signed exact English shall not include any
1 7 portions relating to American sign language and applicants who
1 8 chose examination in signed exact English shall not be required
1 9 to demonstrate proficiency in American sign language.

1 10 EXPLANATION

1 11 The board of sign language interpreters and transliterators
1 12 is empowered to prescribe an examination which an applicant for
1 13 licensure must complete. The board offers examinations in both
1 14 American sign language and signed exact English.

1 15 This bill provides that the examination for signed exact
1 16 English shall not contain testing requirements for American
1 17 sign language.

LSB 2778YC (2) 84

jr/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Study Bill 244

HOUSE FILE
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT
BILL BY CHAIRPERSON
HAGENOW)

A BILL FOR

1 An Act relating to tax rates for employers with inactive
2 accounts under the state unemployment compensation law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2779YC (1) 84
je/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 244 continued

PAG LIN

1 1 Section 1. Section 96.8, subsection 4, Code 2011, is amended
1 2 by adding the following new paragraph:
1 3 NEW PARAGRAPH. c. If a subject employer with an inactive
1 4 account pays wages within twelve quarters of the end of the
1 5 last quarter in which the employer paid wages, the employer
1 6 shall receive a contribution rate based upon the experience of
1 7 the reactivated account.

1 8 EXPLANATION
1 9 This bill provides that an employer subject to the state
1 10 unemployment compensation law who has an inactive account
1 11 and who pays wages within 12 quarters of the end of the last
1 12 quarter in which the employer paid wages must receive a
1 13 contribution rate for the employer's unemployment compensation
1 14 tax based upon the experience of the employer's reactivated
1 15 account.

LSB 2779YC (1) 84

je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Study Bill 245

HOUSE FILE
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT
BILL BY CHAIRPERSON
HAGENOW)

A BILL FOR

1 An Act allowing criminal history background checks for certain
2 food vendors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2781YC (3) 84
jm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Study Bill 245 continued

PAG LIN

1 1 Section 1. NEW SECTION. 137G.1 Food vendor == motor vehicle
1 2 == criminal history record check.

1 3 1. A business that operates a motor vehicle primarily
1 4 marketing the sale and dispensing of ice cream or other food
1 5 products from or near the motor vehicle to children may require
1 6 an employee, vendor, contractor, or agent of the business to
1 7 undergo a criminal history record check by the business.

1 8 2. The business may request the division of criminal
1 9 investigation of the department of public safety to conduct
1 10 a national criminal history record check through the federal
1 11 bureau of investigation. The screening of an employee, vendor,
1 12 contractor, or agent of the business through the federal bureau
1 13 of investigation, if conducted, shall be by submission of
1 14 fingerprints through the state criminal history repository to
1 15 the federal bureau of investigation.

1 16 EXPLANATION

1 17 This bill relates to criminal history record checks for
1 18 certain food vendors.

1 19 The bill provides that a business that operates a motor
1 20 vehicle primarily marketing the sale and dispensing of ice
1 21 cream or other food products from or near the motor vehicle to
1 22 children may require an employee, vendor, contractor, or agent
1 23 of the business to undergo a criminal history record check by
1 24 the business.

1 25 The bill further provides that the business may request the
1 26 division of criminal investigation of the department of public
1 27 safety to conduct a national criminal history record check
1 28 through the federal bureau of investigation. The bill requires
1 29 that the screening of an employee, vendor, contractor, or agent
1 30 of the business through the federal bureau of investigation,
1 31 if conducted, shall be by submission of fingerprints through
1 32 the state criminal history repository to the federal bureau of
1 33 investigation.

LSB 2781YC (3) 84

jm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

House Study Bill 246

HOUSE FILE
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT
BILL BY CHAIRPERSON
HAGENOW)

A BILL FOR

- 1 An Act providing an exemption from the sales tax for the
- 2 furnishing of environmental testing services.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 TL5B 2780YC (2) 84
 tw/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

House Study Bill 246 continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 96. The sales price from the furnishing
1 4 of environmental testing services performed at a laboratory,
1 5 in the field, or by a mobile testing service. For purposes
1 6 of this subsection, "environmental testing" means the physical
1 7 or chemical analysis of soil, water, wastewater, air, or
1 8 solid waste performed in order to ascertain the presence of
1 9 environmental contamination or degradation.

1 10 EXPLANATION

1 11 This bill provides a sales tax exemption for the furnishing
1 12 of environmental testing services performed at a laboratory,
1 13 in the field, or by a mobile testing service. "Environmental
1 14 testing" means the physical or chemical analysis of soil,
1 15 water, wastewater, air, or solid waste performed in order
1 16 to ascertain the presence of environmental contamination or
1 17 degradation.

1 18 By operation of Code section 423.6, an item exempt from the
1 19 imposition of the sales tax is also exempt from the use tax
1 20 imposed in Code section 423.5.

LSB 2780YC (2) 84

tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3298

PAG LIN

1 1 Amend Senate File 390 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. Section 476.6, subsection 22, Code
1 5 2011, is amended by adding the following new paragraph:
1 6 NEW PARAGRAPH. d. A rate=regulated electric
1 7 utility that was subject to a revenue sharing
1 8 settlement agreement with regard to its electric
1 9 base rates as of January 1, 2010, shall file an
1 10 application for ratemaking principles applicable to
1 11 the construction of a nuclear generating facility
1 12 with the board. The application shall comply with the
1 13 provisions of section 476.53. In addition, the utility
1 14 shall remain bound by the commitments described in the
1 15 March 11, 1999, board order in Docket No. SPU=98=8,
1 16 unless such restrictions are eased by subsequent board
1 17 order.
1 18 Sec. 2. Section 476.53, Code 2011, is amended to
1 19 read as follows:
1 20 476.53 Electric generating and transmission
1 21 facilities.
1 22 1. It is the intent of the general assembly to
1 23 attract the development of electric power generating
1 24 and transmission facilities within the state in
1 25 sufficient quantity to ensure reliable electric service
1 26 to Iowa consumers and provide economic benefits to
1 27 the state. It is also the intent of the general
1 28 assembly to encourage rate=regulated public utilities
1 29 to consider altering existing electric generating
1 30 facilities, where reasonable, to manage carbon emission
1 31 intensity in order to facilitate the transition to a
1 32 carbon=constrained environment.
1 33 ~~2.~~ a. The general assembly's intent with regard
1 34 to the development of electric power generating and
1 35 transmission facilities, or the significant alteration
1 36 of an existing generating facility, as provided in this
1 37 subsection ~~4~~, shall be implemented in a manner that is
1 38 cost=effective and compatible with the environmental
1 39 policies of the state, as expressed in Title XI.
1 40 b. The general assembly's intent with regard to the
1 41 reliability of electric service to Iowa consumers, as
1 42 provided in this subsection ~~4~~, shall be implemented by
1 43 considering the diversity of the types of fuel used to
1 44 generate electricity, the availability and reliability
1 45 of fuel supplies, and the impact of the volatility of
1 46 fuel costs.
1 47 2. a. It is also the intent of the general
1 48 assembly to encourage the safe and prudent development
1 49 of baseload nuclear electric power generation, at a
1 50 reasonable cost to ratepayers. Nuclear generation



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3298 continued

2 1 has a long-term proven record of providing a safe,
2 2 reliable, and secure source of electricity in the
2 3 United States and offers the potential for significant
2 4 job creation, substantial economic development
2 5 benefits, and the production of electricity at
2 6 significantly reduced levels of regulated air emissions
2 7 when compared to output from other thermal generation
2 8 sources. Further, the general assembly recognizes
2 9 that meeting stringent environmental permit and
2 10 public health and safety requirements is expensive
2 11 and creates significant cost burdens on customers
2 12 and employers attributable to the imposition of
2 13 additional comprehensive and costly regulations by the
2 14 United States environmental protection agency that
2 15 dramatically increase costs to customers. Finally,
2 16 the general assembly recognizes that development of
2 17 nuclear electric power generation requires significant
2 18 capital investment, ongoing operating expenses, and
2 19 decommissioning expenses, including storage or disposal
2 20 of used nuclear fuel, and a substantial period of time
2 21 for successful nuclear generation development, siting,
2 22 permitting, licensing, and deployment.

2 23 b. The general assembly recognizes that to maximize
2 24 the potential for significant job creation, economic
2 25 development, and competitive advantage derived from a
2 26 robust nuclear industry, a significant workforce is
2 27 required to construct and operate new nuclear power
2 28 plants. Such jobs include skilled trades, such as
2 29 welders, pipe fitters, masons, carpenters, millwrights,
2 30 sheet metal workers, electricians, and heavy equipment
2 31 operators, in addition to nuclear reactor operators,
2 32 radiation protection specialists, and nuclear,
2 33 mechanical, and electrical engineers. In order for
2 34 this state to lead the nation in developing this
2 35 skilled workforce and to maximize economic development
2 36 related to nuclear electric power generation, the
2 37 general assembly intends for the state to undertake the
2 38 following:

2 39 (1) Create and implement plans to assess and
2 40 enhance educational and training systems to develop a
2 41 next-generation nuclear workforce.

2 42 (2) Assess the adequacy and potential expansion
2 43 of supply chain infrastructure to support the growing
2 44 nuclear industry.

2 45 (3) Recommend steps to attract new nuclear-related
2 46 businesses.

2 47 (4) Evaluate the economic development impact
2 48 affordable nuclear electric power generation will have
2 49 on the expansion and retention of existing industry.

2 50 3. a. The board shall specify in advance, by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3298 continued

3 1 order issued after a contested case proceeding, the
3 2 ratemaking principles that will apply when the costs
3 3 of the electric power generating facility or alternate
3 4 energy production facility are included in regulated
3 5 electric rates, whether collected through base rates
3 6 or through a rider approved under paragraph "b",
3 7 subparagraph (2), subparagraph division (a), whenever
3 8 a rate-regulated public utility does any of the
3 9 following:
3 10 (1) Files an application pursuant to section 476A.3
3 11 to ~~construct~~ do any of the following in Iowa a:
3 12 (a) Construct a baseload electric power generating
3 13 facility with a nameplate generating capacity equal to
3 14 or greater than three hundred megawatts ~~or a.~~
3 15 (b) Construct a combined-cycle electric power
3 16 generating facility, ~~or an.~~
3 17 (c) Construct an alternate energy production
3 18 facility as defined in section 476.42, ~~or to~~
3 19 ~~significantly.~~
3 20 (d) Significantly alter an existing generating
3 21 facility.
3 22 (i) For purposes of this subparagraph division (d),
3 23 a significant alteration of an existing generating
3 24 facility must, in order to qualify for establishment of
3 25 ratemaking principles, fall into one of the following
3 26 categories:
3 27 ~~(a)~~ (A) Conversion of a coal fueled facility into
3 28 a gas fueled facility.
3 29 ~~(b)~~ (B) Addition of carbon capture and storage
3 30 facilities at a coal fueled facility.
3 31 ~~(c)~~ (C) Addition of gas fueled capability to a
3 32 coal fueled facility, in order to convert the facility
3 33 to one that will rely primarily on gas for future
3 34 generation.
3 35 ~~(d)~~ (D) Addition of a biomass fueled capability to
3 36 a coal fueled facility.
3 37 (ii) With respect to a significant alteration of
3 38 an existing generating facility, an original facility
3 39 shall not be required to be either a baseload or
3 40 a combined-cycle facility. Only the incremental
3 41 investment undertaken by a utility under subparagraph
3 42 ~~divisions (a), (b), (c), or (d)~~ subdivision (i),
3 43 subparagraph part (A), (B), (C), or (D) shall be
3 44 eligible to apply the ratemaking principles established
3 45 by the order issued pursuant to paragraph "e".
3 46 ~~Facilities for which advanced ratemaking principles are~~
3 47 ~~obtained pursuant to this section shall not be subject~~
3 48 ~~to a subsequent board review pursuant to section 476.6,~~
3 49 ~~subsection 21 to the extent that the investment has~~
3 50 ~~been considered by the board under this section. To~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

~~Senate Amendment 3298 continued~~

~~1 the extent an eligible utility has been authorized to~~
~~2 make capital investments subject to section 476.6,~~
~~3 subsection 21, such investments shall not be eligible~~
~~4 for ratemaking principles pursuant to this section.~~
4 5 (2) Expresses its intent, upon completion of
4 6 analyses authorized pursuant to section 476.6,
4 7 subsection 22, for a rate-regulated utility that was
4 8 subject to a revenue-sharing settlement agreement with
4 9 regard to its electric base rates as of January 1,
4 10 2010, to file an application pursuant to section 476A.3
4 11 to build a nuclear generating facility including but
4 12 not limited to small modular reactor technology, or
4 13 expresses its intent to seek authority pursuant to a
4 14 combined construction and operating license or an early
4 15 site permit from the United States nuclear regulatory
4 16 commission.
4 17 ~~(2)~~ (3) Leases or owns in Iowa, in whole or in
4 18 part, ~~a~~ any of the following:
4 19 (a) A new baseload electric power generating
4 20 facility with a nameplate generating capacity equal to
4 21 or greater than three hundred megawatts ~~or a~~.
4 22 (b) A combined-cycle electric power generating
4 23 facility, ~~or a~~.
4 24 (c) A new alternate energy production facility as
4 25 defined in section 476.42.
4 26 (d) A new nuclear generating facility including but
4 27 not limited to small modular reactor technology.
4 28 b. In determining the applicable ratemaking
4 29 principles, the board shall not be limited to
4 30 traditional ratemaking principles or traditional cost
4 31 recovery mechanisms.
4 32 (1) Among the principles and mechanisms the board
4 33 may consider, the board has the authority to approve
4 34 ratemaking principles proposed by a rate-regulated
4 35 public utility that provide for reasonable restrictions
4 36 upon the ability of the public utility to seek a
4 37 general increase in electric rates under section 476.6
4 38 for at least three years after the generating facility
4 39 begins providing service to Iowa customers.
4 40 (2) In determining the applicable ratemaking
4 41 principles for a nuclear generating facility or for
4 42 a license or permit from the United States nuclear
4 43 regulatory commission, a ratemaking principles order
4 44 issued by the board shall incorporate all of the
4 45 following:
4 46 (a) Enable the utility to recover upon issuance of
4 47 the order, through a rider pursuant to a tariff filing,
4 48 a return on and a return of all prudent capitalized
4 49 costs and a return of all prudent noncapitalized
4 50 costs associated with the permitting, licensing, and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

Senate Amendment 3298 continued

5 1 construction of a nuclear generating facility. The
5 2 amount of such cost recovery from utility customers
5 3 shall be reduced by the amount of any funding of such
5 4 costs borne by the United States department of energy
5 5 or any other governmental entity, and costs recovered
5 6 from any joint owners of the nuclear generating
5 7 facility. A determination of all prudent costs
5 8 recoverable pursuant to this subparagraph division
5 9 shall be made and the level and rate of the recovery
5 10 of such charges reset annually to reflect the level
5 11 of reasonable costs related to pursuit of a United
5 12 States nuclear regulatory commission permit or license
5 13 or construction costs expected to be incurred in
5 14 the next twelve months. A determination shall also
5 15 be made of any adjustment required to balance the
5 16 preceding period's actual expenditures and financing
5 17 costs with what had been projected and included
5 18 in costs recoverable for the preceding period. If
5 19 applicable, the utility shall report to the board
5 20 annually the budgeted and actual costs as compared to
5 21 the estimated total in-service cost of the nuclear
5 22 generating facility that was presented in the last
5 23 annual filing, as projected through the expected
5 24 in-service date of the nuclear generating facility.
5 25 Following issuance of the board's ratemaking principles
5 26 order, the utility shall file an application with the
5 27 board on an annual basis providing such information,
5 28 with the understanding that some cost components may be
5 29 higher than estimated and other cost components may be
5 30 lower. Each annual proceeding shall be completed by
5 31 the board within ninety days from the date of filing
5 32 the application. The board, for good cause shown, may
5 33 extend the deadline for completing an annual proceeding
5 34 for an additional period not to exceed ninety days.
5 35 The complete methodology for determination of prudent
5 36 costs shall be addressed as a ratemaking principle.
5 37 All United States nuclear regulatory commission
5 38 permitting or licensing costs are to be recovered over
5 39 a period not to exceed the estimated construction
5 40 period for a nuclear generating facility as determined
5 41 by the board. All nuclear generating facility
5 42 construction costs are to be recovered over a period
5 43 not to exceed the sum of the estimated construction
5 44 period for a nuclear unit, plus its useful life as
5 45 determined by the board. A utility's commencement of
5 46 cost collection shall begin promptly after completion
5 47 of the ratemaking principles proceeding, allowing for
5 48 such additional time as may be needed by the board to
5 49 review a compliance rider tariff filing.
5 50 (b) Enable the utility to recover in rates all



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3298 continued

6 1 prudently incurred expenses and costs, including but
6 2 not limited to ongoing operations and maintenance
6 3 costs, decommissioning funding and site restoration
6 4 costs, and taxes for such a new nuclear generating
6 5 facility.

6 6 (c) Base the allowed debt, preferred stock,
6 7 and equity percentages on a capital structure
6 8 calculated using the average of the utility's actual
6 9 thirteen-month balances for long-term debt, preferred
6 10 stock, and common equity. The long-term debt and
6 11 preferred stock thirteen-month balances shall include
6 12 adjustments for thirteen-month balances of unamortized
6 13 discount, premium, expense, and any gain or loss on
6 14 reacquired securities. The costs of long-term debt
6 15 and preferred stock shall reflect the actual embedded
6 16 interest and dividend rate for each issue as well
6 17 as any annual amortization of unamortized discount,
6 18 premium, expense, and any gain or loss on reacquired
6 19 securities or interest rate hedges as approved by the
6 20 board as a ratemaking principle. The costs of common
6 21 equity shall reflect the following:

6 22 (1) The risks to which the investor's capital
6 23 is exposed and not the investor's source of funds by
6 24 comparing returns on investments in other enterprises
6 25 having corresponding risks.

6 26 (2) The investor-required cost of capital of the
6 27 rate-regulated utility so as to maintain its credit and
6 28 ability to attract capital.

6 29 (3) Neither directly or indirectly include
6 30 additional debt of the rate-regulated utility's parent
6 31 or other affiliates in the rate-regulated utility's
6 32 capital structure or cost of service, so long as
6 33 the utility equity ratio does not exceed fifty-five
6 34 percent as determined in this subparagraph division
6 35 (c). If the rate-regulated utility's equity ratio
6 36 exceeds this cap, or it is anticipated it will exceed
6 37 this cap, the rate-regulated utility may provide a
6 38 rationale to the board as to why the actual capital
6 39 structure is reasonable for maintaining its credit,
6 40 attracting capital on reasonable terms, and results in
6 41 reasonable costs to the rate-regulated utility's retail
6 42 customers. The board shall rule upon any such request
6 43 in a contested case proceeding.

6 44 (d) Allow the utility to recover return on and a
6 45 return of all prudent preconstruction and construction
6 46 costs incurred if the utility elects not to complete
6 47 or is precluded from completing construction of the
6 48 nuclear generating facility. Costs determined to be
6 49 prudent in prior annual review proceedings shall not
6 50 subsequently be redetermined to be imprudent. The



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3298 continued

7 1 utility shall recover such costs over a period not to
7 2 exceed the sum of the estimated construction period for
7 3 a nuclear unit plus its useful life as determined by
7 4 the board.

7 5 (e) Allow the utility to recover the net book value
7 6 of any coal-fired generating facility entered into
7 7 service prior to 1974 and owned by the utility as of
7 8 January 1, 2010, that the utility commits to retire
7 9 in anticipation of the operation of a new nuclear
7 10 generating facility, and that the board determines to
7 11 be prudent. The board shall allow for the recovery of
7 12 a return on, and a return of the book value of, the
7 13 retired generating facility over a period not greater
7 14 than the remaining useful life of the facility prior to
7 15 a determination to retire the facility.

7 16 c. In determining the applicable ratemaking
7 17 principles, the board shall make the following
7 18 findings:

7 19 (1) The rate-regulated public utility has in effect
7 20 a board-approved energy efficiency plan as required
7 21 under section 476.6, subsection 16.

7 22 (2) ~~The~~ Except for an application for ratemaking
7 23 principles subject to paragraph "a", subparagraph (2),
7 24 the rate-regulated public utility has demonstrated
7 25 to the board that the public utility has considered
7 26 other sources for long-term electric supply and that
7 27 the facility or lease is reasonable when compared
7 28 to other feasible alternative sources of supply.
7 29 The rate-regulated public utility may satisfy the
7 30 requirements of this subparagraph through a competitive
7 31 bidding process, under rules adopted by the board,
7 32 that demonstrate the facility or lease is a reasonable
7 33 alternative to meet its electric supply needs.

7 34 (3) For an application for ratemaking principles
7 35 subject to paragraph "a", subparagraph (2), the
7 36 rate-regulated utility has demonstrated through a
7 37 detailed business case filed with the board that it
7 38 is prudent to build the proposed nuclear generating
7 39 facility.

7 40 d. The applicable ratemaking principles shall
7 41 be determined in a contested case proceeding, which
7 42 proceeding may be combined with the proceeding for
7 43 issuance of a certificate conducted pursuant to chapter
7 44 476A.

7 45 e. The order setting forth the applicable
7 46 ratemaking principles shall be issued prior to the
7 47 commencement of construction or lease of the facility.

7 48 f. Following issuance of the order, the
7 49 rate-regulated public utility shall have the option of
7 50 proceeding according to either of the following:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3298 continued

8 1 (1) Withdrawing its application for a certificate
8 2 pursuant to chapter 476A or withdrawing its ratemaking
8 3 principles application.

8 4 (2) Proceeding with the construction or lease
8 5 of the facility or efforts to pursue a United States
8 6 nuclear regulatory commission permit or license.

8 7 g. Notwithstanding any provision of this chapter
8 8 to the contrary, the ratemaking principles established
8 9 by the order issued pursuant to paragraph "e" shall
8 10 be binding with regard to the specific electric power
8 11 generating facility in any subsequent rate proceeding.

8 12 h. Any judicial action directly or indirectly
8 13 resulting in a modification of the board's ratemaking
8 14 principles order shall be applied prospectively
8 15 only. No refunds shall be made of revenues previously
8 16 collected, unless the board determines such revenues to
8 17 be in excess of the costs incurred or to be incurred
8 18 by the utility. With respect to financial commitments
8 19 made prior to any judicial action directly or
8 20 indirectly resulting in a modification of the board's
8 21 ratemaking principles order, the utility shall recover
8 22 such costs under a cancellation costs ratemaking
8 23 principle.

8 24 i. The board shall issue an order on the merits of
8 25 a ratemaking application within one hundred eighty days
8 26 after the utility files an application for ratemaking
8 27 principles. The board, for good cause shown, may
8 28 extend the deadline for ruling on the merits of the
8 29 application for an additional period not to exceed one
8 30 hundred eighty days, and by such additional time beyond
8 31 that period that is agreed to by the utility.

8 32 4. The utilities board and the consumer advocate
8 33 may employ additional ~~temporary~~ permanent staff, ~~or~~ and
8 34 may contract for professional services with persons
8 35 who are not state employees, as the board and the
8 36 consumer advocate deem necessary to perform required
8 37 functions as provided in this section, including but
8 38 not limited to review of power purchase contracts,
8 39 review of emission plans and budgets, and review of
8 40 ratemaking principles proposed for construction or
8 41 lease of a new generating facility, including a new
8 42 nuclear generating facility or United States nuclear
8 43 regulatory commission permit or license. The board
8 44 and consumer advocate may also expend funds they
8 45 deem necessary to train such employees and provide
8 46 office space and equipment. Beginning July 1, 2002,
8 47 there is appropriated out of any funds in the state
8 48 treasury not otherwise appropriated, such sums as
8 49 may be necessary to enable the board and the consumer
8 50 advocate to hire, train, house, and equip additional



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3298 continued

9 1 staff and contract for services under this section.
9 2 The costs of the additional staff and services shall
9 3 be assessed to the utilities pursuant to the procedure
9 4 in section 476.10 and section 475A.6. The utilities
9 5 board and consumer advocate may each hire up to five
9 6 permanent employees capable of performing functions
9 7 required by this section. Any persons employed by the
9 8 board or consumer advocate to carry out the duties of
9 9 this section related to nuclear generating facilities
9 10 shall be paid at compensation rates consistent with
9 11 current standards in the nuclear energy industry, and
9 12 new salary classifications shall be established to
9 13 set pay ranges for skilled personnel in the nuclear
9 14 engineering, nuclear construction, and any other
9 15 professional categories in the nuclear energy industry
9 16 the board and consumer advocate deem appropriate,
9 17 including but not limited to legal, accounting, and
9 18 skilled examiners and inspectors.

9 19 5. Facilities for which advanced ratemaking
9 20 principles are obtained pursuant to this section shall
9 21 not be subject to a subsequent board review pursuant
9 22 to section 476.6, subsection 21, to the extent that
9 23 the investment has been considered by the board under
9 24 this section. To the extent an eligible utility has
9 25 been authorized to make capital investments subject to
9 26 section 476.6, subsection 21, such investments shall
9 27 not be eligible for ratemaking principles pursuant to
9 28 this section.

9 29 Sec. 3. Section 476A.6, Code 2011, is amended by
9 30 adding the following new subsection:

9 31 NEW SUBSECTION. 4. In the case of an application
9 32 to construct a nuclear generation facility, the
9 33 applicant commits to prepare plans addressing
9 34 United States nuclear regulatory commission and
9 35 federal emergency management agency public emergency
9 36 preparedness and response strategy requirements in
9 37 the event of an accident, natural disaster, or other
9 38 circumstance, condition, or occurrence compromising
9 39 the safety and security of the facility and posing a
9 40 potential threat to public health, safety, or welfare.
9 41 The plans shall also address coordination with state
9 42 emergency planning departments, public safety drills,
9 43 and emergency response testing in response to a
9 44 simulated nuclear disaster as required by the rules of
9 45 the United States nuclear regulatory commission and the
9 46 federal emergency management agency.

9 47 Sec. 4. ELECTRIC UTILITY RATE INCREASES ====
9 48 MITIGATION STUDY. The utilities board of the utilities
9 49 division of the department of commerce shall conduct
9 50 a study to identify the potential impact to customer



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

Senate Amendment 3298 continued

10 1 electric utility rates resulting from recent federal
10 2 regulations adopted by the United States environmental
10 3 protection agency, and strategies to mitigate this
10 4 impact. The study shall be undertaken with the
10 5 involvement of rate-regulated electric public utilities
10 6 and other stakeholders identified by the board. The
10 7 board shall submit a report regarding the results of
10 8 the study by January 1, 2012.
10 9 Sec. 5. NUCLEAR ELECTRIC POWER GENERATION ====
10 10 ECONOMIC DEVELOPMENT OPPORTUNITIES ==== TASK FORCE. The
10 11 governor shall appoint a task force to evaluate the
10 12 economic development opportunities created through
10 13 nuclear electric power generation in this state and to
10 14 develop specific plans to maximize these opportunities.
10 15 Task force members appointed by the governor shall
10 16 include but not be limited to representatives from
10 17 the state board of regents, the community colleges,
10 18 the Iowa department of workforce development, the
10 19 department of economic development, the department of
10 20 education, and utility industry leaders. The governor
10 21 shall appoint a chairperson from among the members.
10 22 The task force shall submit a report summarizing its
10 23 evaluation and containing recommendations to the
10 24 general assembly by January 1, 2012.>

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Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3299

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1 1 Amend House File 590, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, line 2, by striking <IOWA PARTNERSHIP
1 4 FOR ECONOMIC PROGRESS AND>
1 5 #2. Page 1, by striking lines 14 through 16 and
1 6 inserting:
1 7 <2. The collaboration shall involve the economic
1 8 development authority and the Wallace innovation
1 9 corporation, both of which shall work>
1 10 #3. Page 1, before line 23 by inserting:
1 11 <01A. "Business enterprise" means a work or
1 12 improvement located within the state, including but
1 13 not limited to real property, buildings, equipment,
1 14 furnishings, and any other real and personal property
1 15 or any interest therein, financed, refinanced,
1 16 acquired, owned, constructed, reconstructed, extended,
1 17 rehabilitated, improved, or equipped, directly or
1 18 indirectly, in whole or in part, by the authority or
1 19 through loans made by it and which is designed and
1 20 intended for the purpose of providing facilities for
1 21 manufacturing, industrial, processing, warehousing,
1 22 wholesale or retail commercial, recreational, hotel,
1 23 office, research, business, or other related purposes,
1 24 including but not limited to machinery and equipment
1 25 deemed necessary or desirable for the operation
1 26 thereof.>
1 27 #4. Page 1, lines 25 and 26, by striking <economic
1 28 development> and inserting <Wallace innovation>
1 29 #5. Page 1, by striking lines 32 and 33.
1 30 #6. By striking page 2, line 10, through page 4,
1 31 line 13.
1 32 #7. Page 4, line 22, after <a.> by inserting <(1)>
1 33 #8. Page 4, line 23, by striking <nine> and
1 34 inserting <eleven>
1 35 #9. Page 4, line 26, by striking <(1)> and inserting
1 36 <(a)>
1 37 #10. Page 4, by striking lines 27 through 30 and
1 38 inserting <district in the state.>
1 39 #11. Page 4, line 31, by striking <(2) One member>
1 40 and inserting <(b) Three members>
1 41 #12. Page 4, before line 32 by inserting:
1 42 <(2) Of the voting members appointed pursuant
1 43 to subparagraph (1), the governor shall appoint the
1 44 following:
1 45 (a) One person who is a member of the Iowa
1 46 innovation council established in section 15.117A.
1 47 (b) One person who has professional experience in
1 48 finance, insurance, or investment banking.
1 49 (c) One person who has professional experience in
1 50 advanced manufacturing.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3299 continued

2 1 (d) One person with professional experience in
2 2 small business development.
2 3 (e) One person with professional experience
2 4 representing the interests of organized labor.
2 5 (f) Four persons who are actively employed in
2 6 the private, for-profit sector of the economy or who
2 7 otherwise have substantial expertise in economic
2 8 development.
2 9 (3) The governor shall not appoint to the authority
2 10 board any person who is either the spouse or a relative
2 11 within the first degree of consanguinity of a serving
2 12 member of the authority board or the board of directors
2 13 of the corporation.>
2 14 #13. Page 5, by striking lines 6 through 9 and
2 15 inserting:
2 16 <c. (1) There shall be three ex officio, nonvoting
2 17 members consisting of the following:
2 18 (a) The president of the state board of regents, or
2 19 the president's designee.
2 20 (b) One person, selected by the Iowa association
2 21 of independent colleges and universities, who is the
2 22 president of a private college or university in the
2 23 state, or that person's designee.
2 24 (c) One person, selected by the Iowa association of
2 25 community college presidents, who is the president of a
2 26 community college, or that person's designee.
2 27 (2) A person serving as a designee pursuant to
2 28 subparagraph (1) shall serve a one-year term as an ex
2 29 officio member of the authority board.>
2 30 #14. Page 5, by striking lines 20 through 27 and
2 31 inserting:
2 32 <3. a. Seven members of the authority constitute
2 33 a quorum and, of the seven members constituting the
2 34 quorum, there shall be at least one member representing
2 35 each of the United States congressional districts as
2 36 appointed pursuant to subsection 1, paragraph "b",
2 37 subparagraph (1).
2 38 b. The affirmative vote of a majority of the
2 39 appointed members is necessary for any action taken
2 40 by the authority. The majority shall not include
2 41 any member who has a conflict of interest and a
2 42 statement by a member of a conflict of interest shall
2 43 be conclusive for this purpose.
2 44 c. A vacancy in the membership does not impair the
2 45 right of a quorum to exercise all rights and perform
2 46 all duties of the authority.>
2 47 #15. Page 6, before line 5 by inserting:
2 48 <7A. a. The members of the authority shall develop
2 49 a strategic plan for economic development in the state.
2 50 b. (1) The strategic plan shall identify the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3299 continued

3 1 authority's goals for the next calendar year and shall
3 2 include a set of metrics that will be used to gauge and
3 3 assess the extent to which the authority achieves those
3 4 goals. Such metrics shall include, but are not limited
3 5 to:
3 6 (a) The number of jobs created in the state.
3 7 (b) The average wage and benefit levels for such
3 8 jobs.
3 9 (c) The impact to average household income for Iowa
3 10 families as a result of the jobs created.
3 11 (d) Such other information as the authority or the
3 12 director deems relevant.
3 13 (2) The strategic plan shall be submitted to the
3 14 general assembly and the governor's office on or before
3 15 January 31 of each year.>
3 16 #16. Page 6, line 35, by striking <other than>
3 17 #17. Page 7, line 1, by striking <the director of
3 18 the authority>
3 19 #18. Page 10, before line 13 by inserting:
3 20 <r. Issue negotiable bonds and notes as provided in
3 21 section 15.106D.>
3 22 #19. Page 10, by striking lines 24 through 29.
3 23 #20. Page 11, line 2, by striking <issues identified
3 24 by the partnership> and inserting <strategic plan
3 25 developed by the members of the authority>
3 26 #21. Page 11, by striking lines 21 through 25 and
3 27 inserting:
3 28 <(e) Consulting services.
3 29 (f) Services related to statewide commercialization
3 30 development as provided for in section 15.411,
3 31 subsection 2.>
3 32 #22. Page 12, before line 12 by inserting:
3 33 <4. a. If the authority enters into a contract,
3 34 including but not limited to a contract executed
3 35 pursuant to subsection 2, paragraph "d", with a
3 36 nonprofit corporation organized under chapter 504 or
3 37 under the similar laws of another jurisdiction, the
3 38 authority shall ensure that the terms of the contract
3 39 shall provide for the disclosure of all gifts, grants,
3 40 bequests, donations, or other conveyances of financial
3 41 assistance to the corporation from all private
3 42 and public sources. Such disclosure shall include
3 43 information from the corporation's most recent three
3 44 fiscal years and shall include the name and address
3 45 of the person or entity making the conveyance and the
3 46 amount.
3 47 b. If the authority enters into a contract for
3 48 the provision of financial assistance to a business,
3 49 the authority shall ensure that the terms of the
3 50 contract provide for the disclosure of all donations



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3299 continued

4 1 the business has ever made to the corporation. The
4 2 authority shall not consider the amount or frequency
4 3 of such donations when evaluating the merits of the
4 4 business's application or when determining the amount
4 5 of financial assistance to be awarded to the business.
4 6 c. The authority shall not enter into a contract
4 7 for services, including a contract executed pursuant
4 8 to subsection 2, paragraph "d", that exceeds two years
4 9 in duration.>
4 10 #23. Page 12, by striking lines 13 through 17 and
4 11 inserting:
4 12 <1. The operations of the authority shall be
4 13 administered by a director who shall be appointed by
4 14 the governor, subject to confirmation by the senate,
4 15 and who shall serve for a six=year term beginning and
4 16 ending as provided in section 69.19. An appointment
4 17 by the governor to fill a vacancy in the office of the
4 18 director shall be for the balance of the unexpired
4 19 six=year term.>
4 20 #24. Page 12, by striking lines 27 through 31.
4 21 #25. Page 13, after line 9 by inserting:
4 22 <___. a. The director may create organizational
4 23 divisions within the authority in the manner the
4 24 director deems most efficient to carry out the duties
4 25 and responsibilities of the department.
4 26 b. In structuring the authority, the director shall
4 27 create a small business development division and ensure
4 28 that the division focuses administrative efforts,
4 29 program resources, and financial assistance awards on
4 30 small businesses.
4 31 c. (1) On or before September 15, 2011, the
4 32 authority shall submit a report to the governor and
4 33 the general assembly assessing the extent to which
4 34 each of the authority's programs can be used to
4 35 provide assistance to small businesses and making
4 36 recommendations for legislative changes to such
4 37 programs in order to better and more intensively focus
4 38 economic development efforts on such small businesses.
4 39 The report shall also address the extent to which the
4 40 authority's programs address local economic development
4 41 needs and efforts.
4 42 (2) This paragraph "c" is repealed on June 30,
4 43 2012.>
4 44 #26. Page 13, after line 9 by inserting:
4 45 <Sec. ___. NEW SECTION. 15.106D Private activity
4 46 bonds and notes.
4 47 1. The authority may issue its negotiable bonds
4 48 and notes in principal amounts as, in the opinion
4 49 of the authority, are necessary to finance the cost
4 50 of business enterprises, to finance the working



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

Senate Amendment 3299 continued

5 1 capital needs of businesses, to refinance existing
5 2 indebtedness incurred for any of the foregoing purposes
5 3 or any combination of the foregoing, the payment of
5 4 interest on its bonds and notes, the establishment
5 5 of reserves to secure its bonds and notes, and all
5 6 other expenditures of the authority incident to and
5 7 necessary or convenient to carry out the purposes of
5 8 this section. The bonds and notes shall be deemed to
5 9 be investment securities and negotiable instruments
5 10 within the meaning of and for all purposes of the
5 11 uniform commercial code, chapter 554.

5 12 2. All bonds issued by the authority shall be
5 13 limited obligations of the authority. The principal of
5 14 and interest on such bonds shall be payable solely out
5 15 of the revenues derived from the business enterprise to
5 16 be financed by the bonds so issued under the provisions
5 17 of this section. Bonds and interest coupons issued
5 18 under authority of this section shall not constitute an
5 19 indebtedness of the authority within the meaning of any
5 20 state constitutional provision or statutory limitation,
5 21 and shall not constitute nor give rise to a pecuniary
5 22 liability of the authority or a charge against its
5 23 general credit. Bonds or notes are not an obligation
5 24 of this state or any political subdivision of this
5 25 state, other than the authority, within the meaning of
5 26 any constitutional or statutory debt limitations, but
5 27 are special obligations of the authority payable solely
5 28 and only from the sources provided in this section,
5 29 and the authority may not pledge the credit or taxing
5 30 power of this state or any political subdivision of
5 31 this state, other than the authority, or make its debts
5 32 payable out of any moneys except as provided in this
5 33 section.

5 34 3. Bonds and notes must be authorized by a
5 35 resolution of the authority. However, a resolution
5 36 authorizing the issuance of bonds or notes may delegate
5 37 to an officer of the authority the power to negotiate
5 38 and fix the details of an issue of bonds or notes by an
5 39 appropriate certificate of such authorized officer.

5 40 4. Bonds shall:

5 41 a. State the date and series of the issue, be
5 42 consecutively numbered, and state on their face that
5 43 they are payable both as to principal and interest
5 44 solely out of the revenues derived from the business
5 45 enterprise to be financed by the bonds so issued under
5 46 the provisions of this section, constitute special
5 47 obligations of the authority, and do not constitute
5 48 an indebtedness of the authority, this state, or any
5 49 political subdivision of this state within the meaning
5 50 of any constitutional or statutory debt limit.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

Senate Amendment 3299 continued

6 1 b. Be either registered, registered as to principal
6 2 only, or in coupon form, issued in denominations as
6 3 the authority prescribes, fully negotiable instruments
6 4 under the laws of this state, signed on behalf of the
6 5 authority with the manual or facsimile signature of the
6 6 chairperson or vice chairperson, attested by the manual
6 7 or facsimile signature of the secretary, have impressed
6 8 or imprinted thereon the seal of the authority or a
6 9 facsimile of the seal of the authority, and the coupons
6 10 attached shall be signed with the facsimile signature
6 11 of the chairperson or vice chairperson, be payable as
6 12 to interest at rates and at times as the authority
6 13 determines, be payable as to principal at times over
6 14 a period not to exceed fifty years from the date of
6 15 issuance.

6 16 5. The authority may issue its bonds for the
6 17 purpose of refunding any bonds or notes of the
6 18 authority then outstanding, including the payment
6 19 of any redemption premiums thereon and any interest
6 20 accrued or to accrue to the date of redemption of the
6 21 outstanding bonds or notes. Until the proceeds of
6 22 bonds issued for the purpose of refunding outstanding
6 23 bonds or notes are applied to the purchase or
6 24 retirement of outstanding bonds or notes or the
6 25 redemption of outstanding bonds or notes, the proceeds
6 26 may be placed in escrow and be invested and reinvested
6 27 in accordance with the provisions of this chapter. The
6 28 interest, income, and profits earned or realized on an
6 29 investment may also be applied to the payment of the
6 30 outstanding bonds or notes to be refunded by purchase,
6 31 retirement, or redemption. After the terms of the
6 32 escrow have been fully satisfied and carried out, any
6 33 balance of proceeds and interest earned or realized
6 34 on the investments may be returned to the authority
6 35 for use by it in any lawful manner. All refunding
6 36 bonds shall be issued and secured and subject to the
6 37 provisions of this section in the same manner and to
6 38 the same extent as other bonds issued pursuant to this
6 39 section.

6 40 6. The authority may issue negotiable bond
6 41 anticipation notes and may renew them from time to
6 42 time, but the maximum maturity of the notes, including
6 43 renewals, shall not exceed ten years from the date
6 44 of issue of the original notes. Notes are payable
6 45 solely out of the revenues derived from the business
6 46 enterprise to be financed by the notes so issued under
6 47 the provisions of this section, or from the proceeds
6 48 of the sale of bonds of the authority in anticipation
6 49 of which the notes were issued. Notes shall be
6 50 issued in the same manner and for the same purposes as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3299 continued

7 1 bonds. Notes and the resolutions authorizing them may
7 2 contain any provisions, conditions, or limitations, not
7 3 inconsistent with the provisions of this subsection,
7 4 which the bonds or a bond resolution of the authority
7 5 may contain. Notes may be sold at public or private
7 6 sale. In case of default on its notes or violation of
7 7 any obligations of the authority to the noteholders,
7 8 the noteholders shall have all the remedies provided in
7 9 the resolution authorizing their issuance. Notes shall
7 10 be as fully negotiable as bonds of the authority.

7 11 7. It is the intent of the general assembly that a
7 12 pledge made in respect of bonds or notes shall be valid
7 13 and binding from the time the pledge is made, that the
7 14 money or property so pledged and received after the
7 15 pledge by the authority shall immediately be subject
7 16 to the lien of the pledge without physical delivery or
7 17 further act, and that the lien of the pledge shall be
7 18 valid and binding as against all parties having claims
7 19 of any kind in tort, contract, or otherwise against the
7 20 authority whether or not the parties have notice of the
7 21 lien. Neither the resolution, trust agreement, nor any
7 22 other instrument by which a pledge is created needs to
7 23 be recorded or filed under the Iowa uniform commercial
7 24 code, chapter 554, to be valid, binding, or effective
7 25 against the parties.

7 26 8. Neither the members of the authority nor any
7 27 person executing its bonds, notes, or other obligations
7 28 shall be liable personally on the bonds, notes,
7 29 or other obligations or be subject to any personal
7 30 liability or accountability by reason of the issuance
7 31 of the authority's bonds or notes.>

7 32 #27. Page 13, by striking lines 10 through 14.

7 33 #28. Page 13, line 22, by striking <Economic
7 34 development> and inserting <Wallace innovation>

7 35 #29. Page 13, line 23, by striking <economic
7 36 development> and inserting <Wallace innovation>

7 37 #30. Page 14, by striking lines 28 through 33 and
7 38 inserting:

7 39 <a. A board of directors to govern the corporation.

7 40 (1) The board of directors shall initially be
7 41 comprised of seven members appointed by the governor to
7 42 concurrent terms of four years. Two of such members
7 43 shall be subject to confirmation by the senate.

7 44 (2) For appointments subsequent to the initial
7 45 appointments pursuant to subparagraph (1), two of the
7 46 members shall be appointed by the governor, subject to
7 47 confirmation by the senate, to staggered terms of four
7 48 years each, and the remaining five members shall be
7 49 selected by a majority vote of the board of directors
7 50 of the corporation for terms the length of which shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3299 continued

8 1 be provided in the articles of the corporation.
8 2 (3) The governor and the board of directors of the
8 3 corporation shall not appoint or select any person who
8 4 is either the spouse or a relative within the first
8 5 degree of consanguinity of a serving member of the
8 6 board of directors or of the authority board.>
8 7 #31. Page 15, by striking lines 17 and 18 and
8 8 inserting <direction, implement the applicable portions
8 9 of the strategic plan developed by members of the
8 10 authority pursuant to section 15.105.>
8 11 #32. Page 15, by striking lines 23 through 28.
8 12 #33. Page 16, by striking lines 14 through 17 and
8 13 inserting:
8 14 <c. Perform any functions delegated by the
8 15 authority pursuant to section 15.106B, subsection 2,
8 16 paragraph "d".
8 17 (1) In performing such functions, the corporation
8 18 shall not subcontract the performance of a delegated
8 19 function except as provided in subparagraph (2).
8 20 (2) The corporation may subcontract services under
8 21 the following conditions:
8 22 (a) The services are necessary to accomplish the
8 23 functions delegated to the corporation.
8 24 (b) The contract delegating the function contains a
8 25 list of the services that may be subcontracted pursuant
8 26 to this subparagraph (2).
8 27 (c) The contract delegating the function requires
8 28 that any agreement to subcontract a service must be
8 29 approved by the authority prior to the execution of
8 30 such an agreement by the corporation.>
8 31 #34. Page 18, before line 8 by inserting:
8 32 <e. An assessment of economic development efforts
8 33 in the state as measured by the goals and metrics
8 34 contained in the strategic plan developed by the
8 35 members of the authority pursuant to section 15.105.>
8 36 #35. Page 18, line 24, after <certified public
8 37 accountant> by inserting <in accordance with generally
8 38 accepted accounting principles>
8 39 #36. Page 19, by striking lines 6 and 7.
8 40 #37. Page 19, before line 8 by inserting:
8 41 <Sec. _____. Section 15.117A, subsections 1 and 5,
8 42 Code 2011, are amended to read as follows:
8 43 1. An Iowa innovation council is established
8 44 within ~~the department~~ state government. The ~~department~~
8 45 ~~authority~~ shall provide the council with staff and
8 46 administrative support. The ~~department~~ authority
8 47 may expend moneys allocated to the innovation and
8 48 commercialization division in order to provide such
8 49 support. The ~~department~~ authority may adopt rules for
8 50 the implementation of this section.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011

Senate Amendment 3299 continued

9 1 5. The purpose of the council is to advise
9 2 the ~~department~~ director on the development and
9 3 implementation of public policies that enhance
9 4 innovation and entrepreneurship in the targeted
9 5 industries, with a particular focus on the information,
9 6 technology, and skills that increasingly dominate the
9 7 twenty-first century economy. Such advice may include
9 8 evaluating Iowa's competitive position in the global
9 9 economy, reviewing the technology typically utilized in
9 10 the state's manufacturing sector, assessing the state's
9 11 overall scientific research capacity, keeping abreast
9 12 of the latest scientific research and technological
9 13 breakthroughs and offering guidance as to their impact
9 14 on public policy, recommending strategies that foster
9 15 innovation, increase new business formation, and
9 16 otherwise promote economic growth in the targeted
9 17 industries, and offering guidance about future
9 18 developments in the targeted industries.>
9 19 #38. Page 19, after line 14 by inserting:
9 20 <Sec. _____. Section 15.117A, subsection 6, Code
9 21 2011, is amended by adding the following new paragraph:
9 22 NEW PARAGRAPH. f. Perform such tasks or provide
9 23 such advice as the director may require. The director
9 24 shall not require the council to perform a task that
9 25 is not contemplated by the powers and purposes of this
9 26 section or that is otherwise atypical of an advisory
9 27 body established within state government.>
9 28 #39. Page 19, by striking lines 15 and 16.
9 29 #40. Page 19, before line 17 by inserting:
9 30 <Sec. _____. AUTHORITY MERGER STUDY. The economic
9 31 development authority and the Iowa finance authority
9 32 shall study the issue of merging the two authorities
9 33 into a single authority. The authorities shall prepare
9 34 a report analyzing the advantages and disadvantages
9 35 of such a merger and assessing whether such a merger
9 36 is feasible. The authorities shall submit the report
9 37 to the governor and the general assembly on or before
9 38 September 30, 2011.>
9 39 #41. Page 19, line 28, after <latter.> by inserting
9 40 <If an employee of the department is an employee
9 41 covered under the collective bargaining provisions of
9 42 chapter 20, then that employee shall also be covered
9 43 under chapter 20 upon employment with the authority.>
9 44 #42. By striking page 19, line 35, through page 20,
9 45 line 2, and inserting <for purposes of chapter 97B.>
9 46 #43. Page 20, before line 3 by inserting:
9 47 <4. Notwithstanding any provisions to the contrary
9 48 in chapter 68B or in this Act, and subject to the
9 49 approval of the director of the economic development
9 50 authority, the corporation established pursuant to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 28, 2011**

Senate Amendment 3299 continued

10 1 section 15.107 may employ not more than two individuals
10 2 who were employed by the department of economic
10 3 development on or before November 1, 2010.>
10 4 #44. Page 23, by striking lines 6 through 15.
10 5 #45. Page 26, before line 19 by inserting:
10 6 <5. If an employee of the office of energy
10 7 independence is an employee covered under the
10 8 collective bargaining provisions of chapter 20, then
10 9 that employee shall also be covered under chapter 20
10 10 for purposes of employment with the authority.>
10 11 #46. By renumbering, redesignating, and correcting
10 12 internal references as necessary.

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